

REMARKS

Applicants thank the Examiner for considering the references submitted with an Information Disclosure Statement on November 16, 2004.

In the Office Action mailed June 7, 2006, claims 1-5 and 7-15 were rejected as anticipated by U.S. Patent Application Pub. No. 2002/0162056 A1 to Forman et al. ("Forman"). Claim 6 was rejected as obvious over Forman in view of Official Notice taken that "it is notoriously well known to rank 'hits' in a search engine by the number of times the 'hit' has been returned." Office Action at p. 4-5.

This Amendment amends claims 1, 9, and 13. Support for these amendments can be found at least at pages [0011]-[0014] of the specification. New claims 16 and 17 are added, and claims 3 and 15 are canceled in this Amendment. No new matter has been added.

Forman does not teach or suggest an error report as recited in the claims

Independent claim 1 recites in relevant part an error report comprising a plurality of fields, each field to store **an attribute of a software error**. Similarly, independent claims 9 and 13 recite in relevant part an error report **including a plurality of software component attributes**. As described in the specification, these attributes may include a specific software module thought to be malfunctioning, information about the operating system or database management system on which the software is installed, version information, and other information about the software or the environment in which it is used or installed. Software error attributes may also include sender, priority, and administrative information. *See* ¶¶ [0011] – [0013].

Forman does not teach or suggest such an error report. In contrast with the claimed invention, Forman is directed to a "free-form" text or voice system for troubleshooting. *See, e.g.*, ¶¶ [0011], [0013], [0027], and [0033]. There is no structure to the free-form error message entered by the user in Forman – the system must use the free-form description to obtain "clues" or "hints" to identify a customer's problem and potential resolutions, which are then used to

select solutions. ¶¶ [0027], [0033]-[0034]. Although a user may be asked to identify the model of equipment with which he is experiencing an error, this is a “prerequisite to analysis of the problem” and not a part of the error message. ¶ [0031]. There is no teaching or suggestion in Forman that the error message should have fields corresponding to attributes of a software error as recited in claim 1. There is also no teaching or suggestion that the error report should include software component attributes as recited in claims 9 and 13 and described above.

Applicants note that original claims 3 and 15 (now canceled), which recited a plurality of **software component attributes** as recited in claims 9 and 13, were rejected as obvious over Forman. The Examiner cited to paragraph [0031] of in support of these rejections. However, paragraph [0031] describes a user selection of a *product model*. The product model for which a user experiences a hardware error in Forman is unrelated to **software component attributes** as recited in the claims and described at paragraphs [0011] – [0013] of the specification. As previously described, the use of these attributes may allow for more focused and precise error reports than are possible in the free-text system of Forman. Forman simply does not teach or suggest the use of software component attributes in the error report, and the claims are allowable over the cited art for at least this reason alone.

Forman does not describe a query assembled from attributes and keywords

The independent claims further recite, in part, a query “using the **attributes and the keywords** as selection criteria.” Forman discloses no such query. At best, Forman uses keywords extracted from the free-text error message to formulate a query. *See, e.g.*, ¶¶ [0033]-[0034]. This type of query may be less accurate than one which includes attributes of the error and/or software component attributes, such as when the user submitting the error report does not enter accurate keywords, or is unaware of how to describe the error in technical terms. In contrast to the free-text system of Forman, the use of **software component attributes** as recited in the claims and described above may allow for more precise queries to be constructed. This may improve the accuracy of results obtained from the software solutions database.

For at least the reasons given above, the independent claims are patentable over the cited art, and withdrawal of the rejection and reconsideration is respectfully requested.

The dependent claims are patentable over the cited art

The depended claims recite additional features not found in the cited art. For example, claim 7 recites a query directed to a **message table** and a **notes table** within a software solution database. The Examiner rejected this claim based on paragraphs [0036]-[0038] of Forman. However, these paragraphs do not describe anything similar to the claimed structure. Paragraph [0036] merely describes returning results based on data provided by a customer; there is no description of the system in which the results are stored. At paragraph [0038] Forman describes additional features that may be presented to a customer such as pricing, shipping information, and probabilities of a successful repair. There is no description of a software solution database, much less a software solution database having a message table and a notes table.

The dependent claims also include all the limitations of the claims from which they depend, and are therefore allowable for at least the reasons given above with respect to the independent claims. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

A “popularity value” is not merely the number of “hits” resulting from a search

Although claim 6 is allowable for the reasons given above due to its dependence on claim 1, specific issues raised with respect to this claim will now be addressed. The Examiner rejected claim 6 as obvious over Forman, asserting that it is known “to rank ‘hits’ in a search engine by the number of times the ‘hit’ has been returned.” Office Action at p. 5. However, the “popularity value” recited in the claims is not the same as the number of “hits” found in a search. The recited popularity value indicates the “**number of times a solution has been returned** from the software solution database.” See claim 6 and ¶ [0017] of the specification. Thus a potential solution may have a high popularity value if it has been returned as a possible solution to many previous error reports – *even though it matches very few or none of the keywords* extracted from

the submitted error report. Applicants believe this sorting method is inherently different from those used by, *e.g.*, search engines, and therefore respectfully request that the Examiner provide evidence in support of the Official Notice taken in the Office Action.

In addition, Forman does not teach or suggest the use of a popularity value to rank results. Forman describes a database having “registered probabilities based on the historical data 310”. ¶ [0034]. However, the probabilities are ranked (shown by color) based on the probability that various parts have crossed “an OEM determined threshold.” The OEM threshold is “expected to be related to the replacement part’s cost.” See ¶ [0034]. Thus, any sort preference used in Forman is based primarily on the expected cost of the solution, not the popularity value of the solution. There is no suggestion to use another sort preference, and especially no teaching or suggestion to use a popularity value as recited in the claims. Claim 6 is therefore allowable for at least this reason alone. Withdrawal of the rejection and reconsideration is respectfully requested.


Conclusion

Based on the above remarks, Applicants believe the claims are in condition for allowance. The Commissioner is authorized to charge any fees or credit any overpayment to the deposit account of Kenyon & Kenyon LLP, Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

Respectfully submitted,

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